

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JANICE BARROS,

Plaintiff(s),

v.

EQUIFAX INFORMATION SERVICES,
 INC., et al.,

Defendant(s).

Case No. 2:22-cv-01246-JAD-NJK

Order

[Docket No. 13]

Pending before the Court is a stipulation to extend deadlines in the scheduling order. Docket No. 13.

A request to extend unexpired deadlines in the scheduling order must be premised on a showing of good cause. Fed. R. Civ. P. 16(b)(4); Local Rule 26-3. The good cause analysis turns on whether the subject deadlines cannot reasonably be met despite the exercise of diligence. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).¹

The stipulation represents that “the remaining discovery was not completed within the time limits set by the discovery plan . . . because expert discovery and the taking of depositions are a significant expense but settlement discussions were ongoing and the parties hoped to resolve the case prior to incurring these additional expenses.” Docket No. 13 at 2. Choosing to forego one’s discovery obligations is the antithesis of diligence. Hence, it is well-settled law that the mere existence of settlement discussions is not good cause to modify the case management deadlines. *Williams v. James River Grp. Inc.*, ___ F. Supp. 3d ___, 2022 WL 4181415, at *5 (D. Nev. Sept. 13, 2022) (collecting cases).

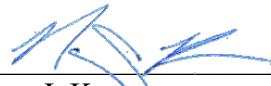
¹ A request to extend case management deadlines must include a “statement *specifying* the discovery completed.” Local Rule 26-3(a) (emphasis added). The instant stipulation does not do so, indicating generically that “written discovery” has been propounded without any specifying details. *See* Docket No. 13 at 2.

1 In the interest of having the case decided on its merits and since the request is being
2 presented jointly, however, the Court will allow limited relief from the case management
3 deadlines.² To that end, the deadline for initial experts will be extended to February 6, 2023. All
4 other deadlines in the scheduling order remain unchanged.

5 Consistent with the above, the stipulation to extend is **GRANTED** in limited part and is
6 otherwise **DENIED**.

7 IT IS SO ORDERED.

8 Dated: January 25, 2023

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12 Nancy J. Koppe
13 United States Magistrate Judge
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27 ² The Court will also remind the parties that they may stipulate to shorter discovery
28 response deadlines, *e.g.*, Fed. R. Civ. P. 33(b)(2), so that the deadlines in the scheduling order can
be met despite their lack of diligence to date.